

Court of Appeals, State of Michigan

ORDER

ELVIA LAGACE V DAVID J STANTON & ASSOCIATES INC

Docket No. 287561

LC No. 07-000108

Deborah A. Servitto
Presiding Judge

Mark J. Cavanagh

Kathleen Jansen
Judges

Pursuant to MCR 7.205(D)(2), the Court orders that the WCAC's August 14, 2008 order is VACATED and the matter REMANDED to the Commission for further proceedings. The WCAC committed an error of law reversing the award of benefits based solely upon misstatement of the date of injury. The WCAC specifically found that plaintiff's disabling injury "cannot be attributable to a single event" and that "[b]oth the lay and medical evidence supports a finding of a last day of work injury." The WCAC also found that the "correct injury date, given the proofs, is in May 2006" and that there was no lack of notice to defendant. Under these circumstances the Act requires that the "date of injury ... shall be the last day of work" MCL 418.301(1). On remand, the Commission is directed to modify the magistrate's opinion and order to reflect an injury date of May 8, 2006 and address the merits of the arguments which defendant raised in its appeal to the Commission.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 28 2009

Date

Sandra Schultz Mengel
Chief Clerk